

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **NO. 01-CR-30172 -WDS**
)
JUAN MELENDEZ,)
)
Defendant.)

MEMORANDUM AND ORDER

STIEHL, District Judge:

Before the Court are defendant's motions for retroactive reduction of his sentence pursuant to 18 U.S.C. §3852 (Docs. 803 and 807). The Court appointed Assistant Federal Defender Dan Cronin to represent the defendant. The Probation Officer has determined, and appointed counsel concurs, that the defendant is not eligible for a reduction in sentence because he was sentenced exclusively on marijuana based offenses. Defense counsel seeks leave to withdraw asserting that the defendant is not entitled to the relief he seeks under the retroactive amendments to the guidelines because they only apply to crack cocaine related offenses. The Court **GRANTS** the motion to withdraw (Doc. 809).

A review of the record reveals that the defendant was charged with distribution and conspiring to possess with intent to distribute in excess of 100 kilograms of marijuana. *See United States v. Melendez*, 401 F.3d 851, 852 (7th Cir. 2005). The recent amendments to the Advisory Sentencing Guidelines on which the defendant seeks relief apply only to cocaine base (crack cocaine) related offenses, and therefore the defendant is ineligible for the relief he seeks.

Accordingly, the Court **DENIES** defendant's motion for retroactive application of the Amendments to the Sentencing Guidelines.

IT IS SO ORDERED.

DATE: 07 January, 2013

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE